

Calendar No. 399

109TH CONGRESS
2D SESSION**S. 1830****[Report No. 109–237]**

To amend the Compact of Free Association Amendments Act of 2003, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2005

Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. AKAKA) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

APRIL 20, 2006

Reported under authority of the order of the Senate of April 7, 2006, by Mr.
DOMENICI, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Compact of Free Association Amendments
Act of 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Compacts of Free As-
5 sociation Amendments Act of 2005”.

1 **SEC. 2. APPROVAL OF AGREEMENTS.**

2 Section 101 of the Compact of Free Association
3 Amendments Act of 2003 (48 U.S.C. 1921) is amended—

4 (1) in the first sentence of subsection (a), by in-
5 serting before the period at the end the following: “,
6 including Article X of the Federal Programs and
7 Services Agreement Between the Government of the
8 United States and the Government of the Federated
9 States of Micronesia, as amended under the Agree-
10 ment to Amend Article X that was signed by those
11 2 Governments on June 30, 2004, which shall serve
12 as the authority to implement the provisions there-
13 of”; and

14 (2) in the first sentence of subsection (b), by in-
15 serting before the period at the end the following: “,
16 including Article X of the Federal Programs and
17 Services Agreement Between the Government of the
18 United States and the Government of the Republic
19 of the Marshall Islands, as amended under the
20 Agreement to Amend Article X that was signed by
21 those 2 Governments on June 18, 2004, which shall
22 serve as the authority to implement the provisions
23 thereof”.

24 **SEC. 3. CONFORMING AMENDMENT.**

25 Section 105(f)(1) of the Compact of Free Association
26 Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)) is

1 amended by striking subparagraph (A) and inserting the
2 following:

3 “(A) EMERGENCY AND DISASTER ASSIST-
4 ANCE.—

5 “(i) IN GENERAL.—Subject to clause
6 (ii), section 221(a)(6) of the U.S.-FSM
7 Compact and section 221(a)(5) of the
8 U.S.-RMI Compact shall each be construed
9 and applied in accordance with the 2
10 Agreements to Amend Article X of the
11 Federal Programs and Service Agreements
12 signed on June 30, 2004, and on June 18,
13 2004, respectively.

14 “(ii) DEFINITION OF WILL PROVIDE
15 FUNDING.—In the second sentence of
16 paragraph 12 of each of the Agreements
17 described in clause (i), the term ‘will pro-
18 vide funding’ means will provide funding
19 through a transfer of funds using Stand-
20 ard Form 1151 or a similar document or
21 through an interagency, reimbursable
22 agreement.”.

1 **SEC. 4. CLARIFICATIONS REGARDING PALAU.**

2 Section 105(f)(1)(B) of the Compact of Free Associa-
 3 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B))
 4 is amended—

5 (1) in clause (ii)(II), by striking “and its terri-
 6 tories” and inserting “, its territories, and the Re-
 7 public of Palau”;

8 (2) in ~~clause (iii)~~ *clause (iii)(II)*, by striking “,
 9 or the Republic of the Marshall Islands” and insert-
 10 ing “, the Republic of the Marshall Islands, or the
 11 Republic of Palau”; and

12 (3) in clause (ix)—

13 (A) by striking “Republic” both places it
 14 appears and inserting “government, institu-
 15 tions, and people”; ~~and~~

16 *(B) by striking “2007” and inserting*
 17 *“2009”; and*

18 ~~(B)~~ (C) by striking “was” and inserting
 19 “were”.

20 **SEC. 5. AVAILABILITY OF LEGAL SERVICES.**

21 Section 105(f)(1)(C) of the Compact of Free Associa-
 22 tion Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C))
 23 is amended by inserting before the period at the end the
 24 following: “, which shall also continue to be available to
 25 the citizens of the Federated States of Micronesia, the Re-
 26 public of Palau, and the Republic of the Marshall Islands

1 who *legally* reside in the United States (including terri-
 2 tories and possessions)”.

3 **SEC. 6. TECHNICAL AMENDMENTS.**

4 (a) TITLE I.—

5 (1) SECTION 177 AGREEMENT.—Section
 6 103(c)(1) of the Compact of Free Association
 7 Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is
 8 amended by striking “section 177” and inserting
 9 “Section 177”.

10 (2) INTERPRETATION AND UNITED STATES
 11 POLICY.—Section 104 of the Compact of Free Asso-
 12 ciation Amendments Act of 2003 (48 U.S.C. 1921c)
 13 is amended—

14 (A) in subsection (b)(1), by inserting “the”
 15 before “U.S.-RMI Compact,”;

16 (B) in subsection (e)—

17 (i) in the matter preceding subpara-
 18 graph (A) of paragraph (8) , by striking
 19 “to include” and inserting “and include”;

20 (ii) in paragraph (9)(A), by inserting
 21 a comma after “may”; and

22 (iii) in paragraph (10), by striking
 23 “related to service” and inserting “related
 24 to such services”; and

1 (C) in the first sentence of subsection (j),
 2 by inserting “the” before “Interior”.

3 (3) SUPPLEMENTAL PROVISIONS.—Section
 4 105(b)(1) of the Compact of Free Association
 5 Amendments Act of 2003 (48 U.S.C. 1921d(b)(1))
 6 is amended by striking “Trust Fund” and inserting
 7 “Trust Funds”.

8 (b) TITLE II.—

9 (1) U.S.-FSM COMPACT.—The Compact of
 10 Free Association, as amended, between the Govern-
 11 ment of the United States of America and the Gov-
 12 ernment of the Federated States of Micronesia (as
 13 provided in section 201(a) of the Compact of Free
 14 Association Amendments Act of 2003 (117 Stat.
 15 2757)) is amended—

16 (A) in section 174—

17 (i) in subsection (a), by striking
 18 “courts” and inserting “court”; and

19 (ii) in subsection (b)(2), by striking
 20 “the” before “November”;

21 (B) in section 177(a), by striking “, or
 22 Palau” and inserting “(or Palau)”;

23 (C) in section 179(b), strike “amended
 24 Compact” and inserting “Compact, as amend-
 25 ed,”;

(D) in section 211—

(i) in the fifth sentence of subsection (a), by striking “Trust Fund Agreement,” and inserting “Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),”;

(ii) in subsection (b)—

(I) in the first sentence, by striking “Government of the” before “Federated”; and

~~(II) in the second sentence, by striking “Sections 321 and 323 of the Compact” and inserting “Sections 211(b), 321, and 323. The Compact, as amended,”; and~~

(II) in the second sentence, by striking “Sections 321 and 323 of the Compact of Free Association, as Amended” and inserting “Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,”; and

1 (iii) in the last sentence of subsection
 2 (d), by inserting before the period at the
 3 end the following: “and the Federal Pro-
 4 grams and Services Agreement referred to
 5 in section 231”;

6 (E) in the first sentence of section 215(b),
 7 by striking “subsection(a)” and inserting “sub-
 8 section (a)”;

9 (F) in section 221—

10 (i) in subsection (a)(6), by inserting
 11 “(Federal Emergency Management Agen-
 12 cy)” after “Homeland Security”; and

13 (ii) in the first sentence of subsection
 14 (c), by striking “agreements” and inserting
 15 “agreement”;

16 (G) in the second sentence of section 222,
 17 by inserting “in” after “referred to”;

18 (H) in the second sentence of ~~the first un-~~
 19 ~~designated paragraph of~~ section 232, by strik-
 20 ing “sections 102 (c)” and all that follows
 21 through “January 14, 1986)” and inserting
 22 “section 102(b) of Public Law 108-188, 117
 23 Stat. 2726, December 17, 2003”;

24 (I) in the second sentence of section 252,
 25 by inserting “, as amended,” after “Compact”;

(J) in the first sentence of the first undesignated paragraph of section 341, by striking “Section 141” and inserting “section 141”;

(K) in section 342—

(i) in subsection (a), by striking “14 U.S.C. 195” and inserting “section 195 of title 14, United States Code”; and

(ii) in subsection (b)—

(I) by striking “46 U.S.C. 1295(b)(6)” and inserting “section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))”; and

(II) by striking “46 U.S.C. 1295b(b)(6)(C)” and inserting “section 1303(b)(6)(C) of that Act”;

(L) in the third sentence of section 354(a), by striking “section 442 and 452” and inserting “sections 442 and 452”;

(M) in section 461(h), by striking “Telecommunications” and inserting “Telecommunication”;

(N) in section 462(b)(4), by striking “of Free Association” the second place it appears; and

1 (O) in section 463(b), by striking “Articles
2 IV” and inserting “Article IV”.

3 (2) U.S.-RMI COMPACT.—The Compact of Free
4 Association, as amended, between the Government of
5 the United States of America and the Government
6 of the Republic of the Marshall Islands (as provided
7 in section 201(b) of the Compact of Free Associa-
8 tion Amendments Act of 2003 (117 Stat. 2795)) is
9 amended—

10 (A) in section 174(a), by striking “court”
11 and inserting “courts”;

12 (B) in section 177(a), by striking the
13 comma before “(or Palau)”;

14 (C) in section 179(b), by striking “amend-
15 ed Compact,” and inserting “Compact, as
16 amended,”;

17 (D) in section 211—

18 (i) in the first sentence of subsection
19 (b), by striking “Agreement between the
20 Government of the United States and the
21 Government of the Republic of the Mar-
22 shall Islands Regarding Military Use and
23 Operating Rights” and inserting “Agree-
24 ment Regarding the Military Use and Op-
25 erating Rights of the Government of the

1 United States in the Republic of the Mar-
2 shall Islands concluded Pursuant to Sec-
3 tions 321 and 323 of the Compact of Free
4 Association, as Amended (Agreement be-
5 tween the Government of the United
6 States and the Government of the Republic
7 of the Marshall Islands Regarding Military
8 Use and Operating Rights)”; and

9 (ii) in the last sentence of subsection
10 (e), by inserting before the period at the
11 end the following: “and the Federal Pro-
12 grams and Services Agreement referred to
13 in section 231”;

14 (E) in section 221(a)—

15 (i) in the matter preceding paragraph
16 (1), by striking “Section 231” and insert-
17 ing “section 231”; and

18 (ii) in paragraph (5), by inserting
19 “(Federal Emergency Management Agen-
20 cy)” after “Homeland Security”;

21 (F) in the second sentence of section 232,
22 by striking “sections 103(m)” and all that fol-
23 lows through “(January 14, 1986)” and insert-
24 ing “section 103(k) of Public Law 108-188,
25 117 Stat. 2734, December 17, 2003”;

1 (G) in the first sentence of section 341, by
2 striking “Section 141” and inserting “section
3 141”;

4 (H) in section 342—

5 (i) in subsection (a), by striking “14
6 U.S.C. 195” and inserting “section 195 of
7 title 14, United States Code”; and

8 (ii) in subsection (b)—

9 (I) by striking “46 U.S.C.
10 1295(b)(6)” and inserting “section
11 1303(b)(6) of the Merchant Marine
12 Act, 1936 (46 U.S.C. 1295b(b)(6))”;
13 and

14 (II) by striking “46 U.S.C.
15 1295b(b)(6)(C)” and inserting “sec-
16 tion 1303(b)(6)(C) of that Act”;

17 (I) in the third sentence of section 354(a),
18 by striking “section 442 and 452” and insert-
19 ing “sections 442 and 452”;

20 (J) in the first sentence of section 443, by
21 inserting “, as amended,” after “the Compact”;

22 (K) in the matter preceding paragraph (1)
23 of section 461(h)—

24 (i) by striking “1978” and inserting
25 “1998”; and

1 (ii) by striking “Telecommunications”
 2 and inserting “Telecommunication”; and
 3 (L) in section 463(b), by striking “Article”
 4 and inserting “Articles”.

5 **SEC. 7. TRANSMISSION OF VIDEOTAPE PROGRAMMING.**

6 *Section 111(e)(2) of title 17, United States Code, is*
 7 *amended by striking “or the Trust Territory of the Pacific*
 8 *Islands” and inserting “the Federated States of Micronesia,*
 9 *the Republic of Palau, or the Republic of the Marshall Is-*
 10 *lands”.*

11 **SEC. 8. PALAU ROAD MAINTENANCE.**

12 *The Government of the Republic of Palau may deposit*
 13 *the payment otherwise payable to the Government of the*
 14 *United States under section 111 of Public Law 101–219*
 15 *(48 U.S.C. 1960) into a trust fund if—*

16 *(1) the earnings of the trust fund are expended*
 17 *solely for maintenance of the road system constructed*
 18 *pursuant to section 212 of the Compact of Free Asso-*
 19 *ciation between the Government of the United States*
 20 *of America and the Government of Palau (48 U.S.C.*
 21 *1931 note); and*

22 *(2) the trust fund is established and operated*
 23 *pursuant to an agreement entered into between the*
 24 *Government of the United States and the Government*
 25 *of the Republic of Palau.*

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